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5 ELON MUSK and TESLA, INC.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 AARON GREENSPAN,

13 Plaintiff,

14 v.

15 OMAR QAZI, SMICK ENTERPRISES,
INC., ELON MUSK, and TESLA, INC.,

16 Defendants.
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Case No. 3:20-cv-03426-JD

**DECLARATION OF LISA RAGER IN
SUPPORT OF ELON MUSK AND
TESLA, INC.'S OPPOSITION TO
PLAINTIFF'S MOTION FOR COSTS
AND EXPENSES PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 4(D)(2) FOR SERVICE
ON ELON MUSK**

Judge: Hon. James Donato
Complaint Filed: May 20, 2020

1 I, Lisa Rager, declare as follows:

2 1. I am a Manager of Information Security Risk Management for Tesla, Inc. ("Tesla"). I
3 joined Tesla in June 2018. At that time, my title was Manager, Global Security Response, Analysis
4 Team. I held that title and role until my promotion to Manager of Information Security Risk
5 Management in March 2020. Except where otherwise stated, the facts in this declaration are based
6 on my personal knowledge, and if called upon, I could and would completely testify to them.

7 2. My job responsibilities at Tesla include protecting Tesla and its employees from
8 online/virtual harassment and threats. Among other things, I manage a team of Tesla information
9 security employees who review certain communications sent to Tesla personnel that appear
10 harassing, abusive, or threatening. Although uncommon, in some cases communications from
11 individuals contacting Tesla personnel are so voluminous, abusive, or otherwise concerning, that
12 Tesla will block further inbound email correspondence from specific accounts from reaching the
13 intended recipient(s) within Tesla. In such cases, email correspondence from such accounts is
14 redirected to an account and mailbox owned and monitored by members of our information security
15 team. The email address associated with this account is security29@tesla.com. Generally speaking,
16 the team monitoring this mailbox performs only a limited review for imminent threats to Tesla and
17 its employees. Generally, the team will only take further action (for example, notifying appropriate
18 authorities or the intended recipient) if standing instructions for handling are in place (e.g.,
19 instructions that particular emails be handled in a particular way) or if we perceive an imminent risk
20 of physical harm to Tesla personnel or facilities.

21 3. Tesla's records show that, by August 9, 2019, Plaintiff had already sent at least a
22 dozen distinct emails to numerous Tesla personnel. Because he often copied multiple Tesla
23 recipients, this amounted to more than three dozen copies of Plaintiff's emails being delivered to
24 Tesla inboxes during that same period. In total, prior to filing this motion on June 25, 2019, Plaintiff
25 had sent at least thirty (30) distinct emails addressed to various Tesla personnel. These numbers do
26 not account for emails on which Plaintiff copied non-Tesla recipients or emails sent to non-Tesla
27 domains.
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1 4. On or about August 9, 2019, because of the volume and abusive nature of the
2 correspondence sent from the aaron.greenspan@plainsite.org account, Tesla's information
3 technology team implemented a protocol to block further emails from
4 aaron.greenspan@plainsite.org from reaching intended recipients in the manner described above,
5 redirecting such correspondence to the security29@tesla.com account. On or about August 14,
6 2019, Tesla's information technology team further blocked and redirected all emails from any
7 @plainsite.org email account from reaching their intended Tesla recipients, also redirecting those
8 emails to the security29@tesla.com account. This block was in place across Tesla until about June
9 25, 2020, which I understand was the date that Plaintiff filed the motion at issue.

10 5. I understand that Plaintiff alleges that, on May 21, 2020, Plaintiff, via
11 aaron.greenspan@plainsite.org, sent multiple emails to Mr. Musk and Tesla's Acting General
12 Counsel, Alan Prescott, including two that apparently request a waiver of service related to this
13 lawsuit. Plaintiff alleges he sent another email to Mr. Musk and Mr. Prescott concerning the same
14 subject on June 19, 2020. I understand that Plaintiff attached copies of these emails as Exhibit A to
15 his motion ("Exhibit A"). (Dkt. 14, Ex. A.)

16 6. Because Tesla had blocked emails from aaron.greenspan@plainsite.org from reaching
17 individual recipients, Plaintiff's emails in Exhibit A were automatically redirected to the
18 security29@tesla.com account and mailbox, and were not delivered to the original addressees. At
19 the time, there were three information security team members, including myself, responsible for
20 monitoring this account and mailbox. I have spoken with the two other members of the team, who
21 each confirmed that they did not forward or provide the relevant emails to others at Tesla or discuss
22 them with anyone outside of the information security team. I did not do any of those things either.

23 7. In connection with the preparation of my declaration, I requested records to confirm
24 that Plaintiff's emails in Exhibit A were redirected in the manner described above. Our information
25 technology team uses a program called Mimecast to, among other things, log and analyze the
26 metadata associated with inbound, outbound, and internal email correspondence. My team and I
27 regularly utilize and interpret information from Mimecast in the course of our work at Tesla.
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8. Attached as **Exhibit 1** is a table prepared by our information technology team containing metadata for the emails referenced in Exhibit A, including the subject of the email, date received, sender, and recipient. In **Exhibit 1**, the “To” column identifies the account to which each email was delivered. **Exhibit 1** shows that all of the emails in Exhibit A were delivered only to the security29@tesla.com account and mailbox. Because each of these emails was addressed to two Tesla recipients (Mr. Musk and Mr. Prescott), security29@tesla.com is listed twice in the “To” column for each email, once for each Tesla recipient. **Exhibit 1** shows that the emails in Exhibit A were redirected to security29@tesla.com and were not delivered to the mailboxes for Mr. Musk or Mr. Prescott. In addition, I asked our information technology team to confirm, using Mimecast records, that these emails were not forwarded or otherwise replied to, which are events for which metadata would be captured and reflected in Mimecast. I have confirmed with the information technology team that Tesla’s Mimecast records do not contain any record that the emails in Exhibit A were forwarded or replied to after receipt, prior to June 25, 2020, which I understand was the date that Plaintiff filed his motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 9, 2020, at Oakland, California.

By: /s/ Lisa Rager
Lisa Rager

ATTESTATION PURSUANT TO GENERAL ORDER 45

Pursuant to General Order 45, I attest that concurrence in the filing of the document has been obtained from each of the other signatories, or from the single signatory (in the case, e.g., of a declaration) which shall serve in lieu of their signature(s) on the document.

Dated: July 9, 2020

By: /s/ Candace Jackman
Candace Jackman